

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

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76-1503

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA, :

Appellee, :

76-1503

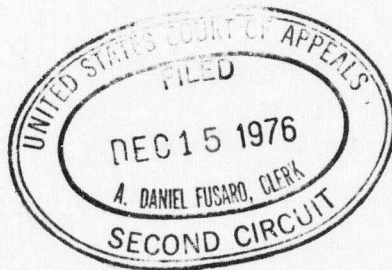
-against- :

RAUL ESTREMER, :

Appellant. :

-----X

APPELLANT ESTREMER'S APPENDIX



JESSE BERMAN
Attorney for Appellant Estremera
351 Broadway
New York, New York 10013
[212] 431-4600

PAGINATION AS IN ORIGINAL COPY

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INDICTMENT
(73 Cr. 319)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

73 CRIM. 319 KTD

OSCAR LEE WASHINGTON,
PAUL ESTREMEIRA,
PEDRO MARIO MONGES, and
VICTOR CUMBERBATCH,

INDICTMENT

73 Cr.

Defendants.

The Grand Jury charges:

On or about the 9th day of February, 1973, in the Southern District of New York, OSCAR LEE WASHINGTON, PAUL ESTREMEIRA, PEDRO MARIO MONGES and VICTOR CUMBERBATCH, the defendants, unlawfully, wilfully and knowingly did by force, violence and by intimidation take from the person and presence of another property and money, to wit, approximately \$25,231.06 of United States currency, which currency belonged to and was in the care, custody, control, management and possession of the First National City Bank, 505 Southern Boulevard, New York, New York, a bank the deposits of which were then insured by the Federal Deposit Insurance Corporation.

(Title 18, United States Code, Sections 2113(a) and 2.)

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SECOND COUNT

The Grand Jury further charges:

On or about the 9th day of February, 1973, in the Southern District of New York, OSCAR LEE WASHINGTON, RAUL ESTREMEIRA, PEDRO MARIO MENDES, and VICTOR CUMBERBATCH, the defendants, unlawfully, wilfully and knowingly did assault various persons and put in jeopardy the life of

various persons by the use of dangerous weapons to wit, firearms, while committing the offense described in the first count of this indictment.

(Title 18, United States Code, Sections 2113(d) and 2.)

THIRD COUNT

The Grand Jury further charges:

On or about the 9th day of February, 1973, in the Southern District of New York, OSCAR LEE WASHINGTON, RAUL ESTREMER, PEDRO MARIO MONCES, and VICTOR CUMBERBATCH the defendants, unlawfully, wilfully and knowingly, with intent to steal and purloin, did take and carry away property and money, to wit, approximately \$25,231.06 belonging to and in the care, custody, control, management and possession of the First National City Bank, 505 Southern Boulevard, New York, New York, a bank the deposits of which were then insured by the Federal Deposit Insurance Corporation.

(Title 18, United States Code, Section 2113(b).)

FOREMAN

WHITNEY NORTH SEYMOUR, Jr.
United States Attorney

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DISTRICT COURT DOCKET SHEET
(73 Cr. 319)

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

JUDGE DUFFY

73 CRIM. 319

L. C. Form No. 100 R-v.

TITLE OF CASE

THE UNITED STATES

vs.

1) OSCAR LEE WASHINGTON

2) RAUL ESTREMEIRA

3) PEDRO MARIO MONGES

4) VICTOR CUMPEREATCH

ATTORNEYS

For U. S.: 264-6424

Kenneth R. Feinberg, AUSA

For Defendant:

R. ESTREMEIRA - Jesse Berman

351 B'way NYC

10/18

(pL) STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 2 mailed

Clerk

J.S. 3 mailed 1-3-2-

Marshal

~~Vol. 100~~ comp. #73-0584

Docket fee

Title 18

Sec. 2113(a) robbery of
insured bank by force and
violence (ct. 1) - 2113(b)
carry away property belonging...

to insured bank (ct. 3) -
2113(d) and 2.) assault by the use of dangerous weapon during robbery of insured bank (ct. 2)

PROCEEDINGS

DATE

-----THREE COUNTS-----

4-12-73 Filed indictment

4-16-73

case assigned to Judge Duffy as a related matter (73CR193)
P.M. Monges- Deft. enters plea of not guilty: Bail set in the sum of \$100,000.00
Deft. ordered photographed and fingerprinted. ---- Lasker, J.

4-13-73

Filed affdvt. of Kenneth R. Feinberg, AUSA for a WRU to produce deft. FERNES -
virt issued, ret. on 4-16-73.

4-23-73

C.L. WASHINGTON- pleading marked off part 1 calendar.
R. ESTREMEIRA-
V. CUMPEREATCH for both defendants Court directs entry of not guilty plea and
B/A's ordered. -- Palmer, J.

4-25-73

Pedro Monges-Filed notice of appearance by atty Conrad Lynn 401
B'way New York City 10013 CA-6-5226

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PROCEEDINGS

- 20-73 PEDRO MARIO MONGES-Filed writ of Habeas Corpus directed to Warden, Bklyn House of Det. with Marshal's return-Writ satisfied 4-16-73-Lasker, J.
- 4-23-73 Estremera and Cumberhatch-Bench Warrants issued.
- 4-30-73 Filed Govt's affidavit for a writ of habeas corpus, writ issued ret 5-1-
- 5-4-73 Defts/ Washington and Monges(attys. present)
Washington (atty. present) Pleads guilty to count 1 only. Pre-sentence investigation ordered. Sentence adjourned to 6-4-73. Bail continued at \$100,000.
Monges(atty. present) withdraws his plea of not guilty and pleads guilty to count 1 only. Pre-sentence investigation ordered. Sentence adjourned to 6-4-73. Bail continued at \$100,000. Duffy, J.
- 5-18-73 Deft. Washington(atty. present) Deft's motion for reduction of bail. Granted. With the consent of the Govt. Bail reduced to \$25,000. cash. Deft. remanded in lieu of bail. Duffy, J.
- 5-23-73 monges-Filed writ of H/C ad Pros. Writ issued and ret. 5/24/73.
- 6-13-73 MARIO MONGES-Filed writ of habeas corpus with Marshal's ret-Writ returned unexecuted as deft. is not in the Bklyn House of Detention-he is presently confined in Fed. Det. Hdqrs West St.
- 6-21-73 OSCAR LEE WASHINGTON - Filed Judgment(Atty. present) the deft is committed for imprisonment for 18 (EIGHTEEN YEARS), on count 1. Counts 2 and 3 are dismissed on motion of the defts counsel with the consent of the Govt.....DUFFY, J.....docketed 6-27-73
- 6-21-73 PEDRO MARIO MONGES - Filed Judgment(Atty. present) the deft is committed for imprisonment for EIGHTEEN(18) YEARS, on count 1. Counts 2 and 3 are dismissed on motion of the defts counsel with the consent of the Govt.....DUFFY, J.....docketed 6-27-73----
- 6-28-73 Washington-Filed appointment Court Reporters for transcript of sentence 6-21-73. Duffy, J.
- 7-3-73 OSCAR LEE WASHINGTON. Filed Commitment & ordered return, Deft. Delivered to the Federal Detention House, N.Y., N.Y.
- 7-5-73 PEDRO MARIO MONGES-Filed writ of habeas corpus with Marshal's return-Writ Satisfied 6-21-73--Duffy, J.
- 8/20/73 Filed Transcript of record of proceedings, dated June 21, 1973
- 9-6-73 OSCAR LEE WASHINGTON - Filed affdvt. of Kenneth R. Feinberg dtd 9-6-73 in opposition to motion for reduction of sentence.
- 9-13-73 O.L. WASHINGTON-Filed motion to reduce sentence wit memo endorsed.....Upon reconsideration of the sentence imposed.***The motion to review sentence is denied..So ordered Duffy, J....notice mail

PROCEEDINGS

DATE	PROCEEDINGS
9-28-73	WASHINGTON- Filed CJA copy #2 - Original JCA copy mailed to A.O. Washington, D.C. (for Expert services)
9-28-73	WASHINGTON- Filed Notice of Appeal from an order of Judge Duffy, as entered on September 13, 1973, denying deft's motion pursuant to Rule 35 FRCP.
10-5-73	O.L.WASHINGTON - Mailed original CJA copy 1 to the A.O.WASH.D.C. for payment
10-5-73	O.L.WASHINGTON - Filed appointment of Lewis M. Steel 351 B'Way NYC
10-26-73	V.CUMBERTATCH - Deft appears without counsel. Legal Aid assigned bail set at \$100,000. 20 days for motion. Writ Satisfied. Deft remanded in lieu of bail fixed.....Duffy, J.
10-25-73	V.CUMBERTATCH - Filed affdvt. of K.R.Feinberg, AUSA in support of a Writ H/C
11-5-73	Filed Stip. designating partial file to be transmitted to USCA
12-18-73	VICTOR CUMBERTATCH - Filed Govt's notice of readiness for trial.
12-21-73	OSCAR L.WASHINGTON - Filed order that the time for filing the notice of appeal from order of 9-13-73 is extended for ten days...Duffy, J.
1-23-74	Filed transcript of record of proceedings dated 5-4-73
1-23-74	(WASHINGTON) Filed stipulation between Counsel for the Deft and counsel for the U.S.A. that the letter of Lewis M. Steel dated 1-11-73 sent to the Hon. Duffy, J. prior to the sentence of the deft on 6-21-73 with its enclosures etc. shall be filed in this Court and made part of the supplemental record on appeal as indicated. (by AUS CAHYLL.)
1-23-74	O.L.WASHINGTON - Filed notice that supplemental record on appeal has been certified and transmitted to the U.S.C.A.
3-15-74	OSCAR LEE WASHINGTON - Filed true copy of C.A. judgment and order affirming D.C. order...Notified Lewis M. Steel 351 B'Way NYC & U.S. Atty's office.
11-4-74	RAUL ESTREMER - Filed affdvt. of Jeremy G. Epstein, AUSA in support of extradition
11-4-74	RAUL ESTREMER - Filed affdvt. of Rodolfo Romero in support of extradition
11-4-74	RAUL ESTREMER - Filed affdvt. of Philip Perlongo in support of extradition
11-4-74	RAUL ESTREMER - Filed affdvt. of James R. Bolla in support of extradition
11-4-74	R. ESTREMER - Duplicate B.W. issued.
1-17-75	R. ESTREMER - Present with atty. The Court enters a plea of Not Guilty, deft remanded.
1-20-75	Raul Estremer - Filed notice of appearance by Jesse Berman 351 B'Way NYC Tel. 431-4600
1-17-75	P.M. RAUL ESTREMER - Bail set in the amt. of \$50,000 by Mag. Schreiber.. Deft Remanded in lieu of bail.....Duffy, J.
1-24-75	RAUL ESTREMER
1-24-75	VICTOR CUMBERTATCH - Filed pre-trial motions.
1-31-75	R. ESTREMER - Filed following papers recvd. from Magistrate: Docket sheet, indictment warrant, disposition sheet, notice of appearance and final commitment.

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PROCEEDINGS

1 RAUL ESTREMER

2-24-75 Filed bill of particulars....

2-26-75 RAUL ESTREMER
Filed memo endorsed on pre-trial motions filed 1-24-75..Motion disposed of in accordance with terms set forth at a conference held on 2-19-75....Duffy, J..

3-4-75 RAUL ESTREMER - Filed additional pre-trial motion(as indicated) and for appointment of counsel under CJA..

3-12-75 RAUL ESTREMER - Filed deft's request on voir dire..

3-13-75 RAUL ESTREMER - Filed memo endorsed on motion filed 3-4-75***Disposed of in accordance with ruling made on 3-10-75....Duffy, J.....

3-17-75 RAUL ESTREMER - Filed electronic surveillance affdvt. by Jesse Berman, Esq.

3-17-75 RAUL ESTREMER - Filed affdvt. & notice of motion for a speedy trial...

3-21-75 RAUL ESTREMER - Deft & atty. present....SIMMONS hearing begun and concluded..Decision reserved./Duffy, J.

3-31-75 RAUL ESTREMER - Filed Govt's memorandum in opposition to defts motion for disclosure of electronic surveillance...

4-4-75 R. ESTREMER - Filed affdvt. of Jeremy G. Epstein, AUSA in support of motion for discovery

4-4-75 R. ESTREMER - Filed Govt's memorandum of law in opposition to motion pursuant to Simmons v U.S..

4-10-75 R. ESTREMER - Filed deft's memorandum of law...

4-10-75 R. ESTREMER - Filed ~~xxxx~~ endorsement Deft has moved to suppress certain in court identification pursuant to Simmons v U.S.***I find no merit whatsoever in defts argument that neither witness had an adequate opportunity during the robbery to observe the man***motion for suppression is denied***Motion for discovery is therefore granted....So ordered...Duffy, J... Mailed notice...

April-75 R. ESTREMER: Filed Affidavit of Jerry G. Epstein (Asst. U.S. Atty.) in opposition to defts motion to dismiss for want of a speedy trial.

April-75 R. ESTREMER: Filed Govts memorandum in opposition to defts motion to dismiss for want of a speedy trial.

4-23-75 R. Estremer - Filed transcript of record of proceedings, dated 2-19-75

5-9-75 R. ESTREMER - Filed affdvt. of J.G. Epstein, AUSA in response to defts motion dtd. 1-22-75...

5-9-75 R. ESTREMER - Hearing held re: photographs to be turned over to U.S. Atty. Hearing concluded. Duffy, J.

5-9-75 R. ESTREMER - Filed Memo Endorsed on motion filed 3-17-75. Motion Denied. Duffy, J.

5-9-75 R. ESTREMER - Filed Memo Endorsed on motion filed 3-17-75. Motion Denied. Duffy, J.

(Cont'd. on page 5)

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PROCEEDINGS

DATE	
5-12-75	R. ESTREMER - Suppression hearing begun and adj'd to 5/13/75.
5-13-75	Hearing cont'd. & concluded....Decision reserved....Duffy, J.
5-19-75	R. ESTREMER - Filed One Envelope dated May 16-1975 containing confidential information. Ordered Sealed and Placed in Vault, Room 602, Duffy, J.
5-19-75	R. ESTREMER - (atty present) - TRIAL BEGUN with a jury of 12 and 2 alternates. Case adj. to 5-20-75.
5-19-75	ELVIN TORRES (WITNESS) - Bench warrant ordered. Duffy, J.
5-19-75	R. ESTREMER - Filed memorandum and order...On the moring when the trial was to commence, counsel for the defense raised an allegation that certain evidence in the possession of the govt. was tainted***the extradition proceedings held in Canada have nothing to do with the charges presently being tried and that no evidence concerning such proceeding will be admitted....Duffy, J. m/n...
5-23-75	Filed order pursuant to Ti. 18 U.S.C. Section 6002-6003 that Frank Negron is ordered and compelled to give testimony***to all matters about which he may be interrogated at said trial***Etc.....Duffy, J.
5-23-75	Filed order pursuant to Ti. 18 U.S.C. Sections 6002-6003 that RUVEN MATIAS is ordered and compelled to testimony *** to all matters about which he may be interrogate at said trial***Etc.....Duffy, J.
5-20-75	Trial cont'd.
5-21-75	Trial cont'd.
5-22-75	Trial cont'd.
5-23-75	Trial cont'd. and concluded Jury verdict GUILTY all counts..P.S.I. ordered sentence adj'd to June 24-75 at 10 a.m. Deft Remanded in lieu of bail..... Duffy, J.....
6-2-75	R. ESTREMER - Filed transcript of record of proceedings, dated 3/10/75
6-2-75	R. ESTREMER - Filed transcript of record of proceedings, dated 3/21/75
5-22-75	R. Estremera - Filed Govt's request to charge..
6-3-75	Filed One Manila Envelope containing Court Exhibit A4 ordered sealed and placed in vault. Room 602 Contents Address Books, etc. Duffy, J.
6-25-75	R. ESTREMER - Filed transcript of record of proceedings, dated MAY 9, 12, 13, 16, 1975
6-25-75	R. ESTREMER - Filed transcript of record of proceedings, dated MAY 19, 20, 21, 22, 23, 1975
6-24-75	PAUL ESTREMER - Filed Judgment and Commitment Order - the deft. is hereby committed to the custody of the Atty. General for imprisonment for a period of SEVENTEEN (17) YEARS on each of count 1, 2, and 3 to run concurrently with each other. Deft. REMANDED in lieu of bail pending appeal.... Duffy, J.
6-24-75	PAUL ESTREMER - filed notice of appeal from final judgment of 6-24-75.. copies mailed... leave to proceed on appeal in forma pauperis is granted..Duffy, J.
7-1-75	Filed defendant Estremera's request to charge

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E

PROCEEDINGS

5-75	Filed defendant's Estremera's trial memo and post trial motions.
7-15-75	RAUL ESTREMERER filed notice that the record on appeal has been certified and transmitted to USCA this date.

7-3-75	RAUL ESTREMERER - Filed letter dtd. 6-28-75 with memo endorsed...This letter is construed as a motion for a modification of sentence..The motion is denied... Duffy, J..... m/n
7-31-75	RAUL ESTREMERER- filed remand dated 1-17-75
7-31-75	RAUL ESTREMERER- filed remand dated 1-17-75 p.m.
7-10-75	R. ESTREMERER - Filed commitment & entered return. Del. delivered to F.D.H. New York
8-6-75	Filed transcript of record of proceedings, dated 6-24-75.
8-22-75	VICTOR CUMBERBATCH- Filed affdvt. of Jeremy G. Epstein, AUSA in support of a writ... Ret. 9-3-75.
9-9-75	VICTOR CUMBERBATCH - Atty Robert Bloom assigned..Conference held..Writ satisfied... Duffy, J.....
9-19-75	V.CUMBERBATCH - Filed writ of H/C with marshals return....
2-5-76	P.M. MENGES - Filed commitment & entered return. Del. delivered to Custody of Warden Maine Correc. Facility on 1-15-76
2-26-76	RAUL ESTREMERER - Filed true copy of U.S.C.A. ORDER and Mandate affirming District Court....m/n
03-27-76	VICTOR CUMBERBATCH - Filed Govt's affdvt. for a writ of habeas corpus directed to the warden of Auburn Correctional Facility, Auburn N.Y. Writ Issued ret. 6-7-76.
06-16-76	RAUL ESTREMERER - Filed true copy of Supreme Court order denying certiorari.
7-14-76	VICTOR CUMBERBATCH- Filed Writ of H/C Ad Pros. with marshals return, WRIT SATISFIED ON:6-11-76.
8-13-76	VICTOR CUMBERBATCH- Filed affdvt. and notice of motion to dismiss.. Ret. 8-24-76
9-13-76	V. CUMBERBATCH - Filed affdvt. of J.G.Epstein, AUSA in opposition to motion to dismiss
9-13-76	V.CUMBERBATCH - Filed Govts memorandum in opposition to motion to dismiss.
9-16-76	RAUL ESTREMERER - Filed Deft's Notice of Motion for an order to reduce sentence. (no ret.date)
9-21-76	VICTOR CUMBERBATCH - Filed memo endorsed on motion filed 9-13-76 MOTION DENIED... DUFFY, J.....M/N
10-12-76	RAUL ESTREMERER - Filed Memo-Endorsed(on Motion filed 9-16-76)..Motion to reduce sentence denied..So Ordered.DUFFY, J m-n

(Cont'd. on Page 7)
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Page 7

Duffy, J.

PROCEEDINGS

DATE

10-18-76 RAUL ESTREMER - Filed Notice of appeal from ORDER dated 10-12-76. Copy given to U.S. Atty. and deft. C O Atty. Jesse Berman 351 Broadway NYC 10013 Appeals in forma pauperis....Duffy, J.

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6

MOTION TO REDUCE SENTENCE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :

-against- :

RAUL ESTREMER, :

Defendant. :

73 Cr. 319 (KTD)

MOTION TO REDUCE SENTENCE

-----X
The defendant RAUL ESTREMER, by his undersigned attorney,
respectfully moves this Court, pursuant to Rule 35 of
the Federal Rules of Criminal Procedure,

a) to reduce the seventeen (17) year sentence imposed
on defendant herein on June 24, 1975, and

b) to direct the Bureau of Prisons to transmit
to this Court. (prior to the determination of the within
Rule 35 motion), all records, progress reports, evaluations,
and recommendations in their possession relating to defendant
Raul Estremera for the period from June 24, 1975, until
the present, including specifically the most recent evaluations
and progress reports, and

c) to hold a hearing on this motion, at which the
defendant can offer witnesses, exhibits and oral argument
in support of this motion, and

d) to order the presence of defendant at said
hearing, and

e) to allow a reasonable period of time for the
above-mentioned prison records to be received by this Court
before deciding this motion, and

f) to consider awaiting disposition of the case
of the co-defendant Victor Cumberbatch before deciding this
motion, and

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gl to specifically consider defendant under 18 U.S.C. §4208(a)(2) [which may now be re-numbered as §4205(b)(2)], and

h) to allow defendant a reasonable amount of time in which to submit additional documentation in support of this motion, and

i) to grant such other and further relief as this Court deems appropriate, all as more fully set forth below:

1. This motion is being filed within 120 days after May 19, 1976, the date on which the Supreme Court denied defendant's petition for a writ of certiorari. Thus, this Court now has the power to reduce Mr. Estremera's sentence. Rule 35 gives to a district court the power to reduce a sentence which is legal and which was appropriate when imposed, but which is now inappropriate because of new information and changed circumstances. United States v. Ellenbogen, 390 F.2d 537, 543 (2d Cir. 1968); United States v. Ginsberg, 398 F.2d 52, 57 (3d Cir. 1968) [en banc].

Rule 35 is intended to give every convicted defendant a second round before the sentencing judge, and at the same time, it affords the judge an opportunity to reconsider the sentence in the light of any further information about the defendant or the case which may have been presented to him in the interim.

United States v. Ellenbogen,
supra, 390 F.2d at 543,
[emphasis added].

2. The new information and changed circumstances which defendant wishes to bring to this Court's attention in support of his motion are, for the most part, positive changes in defendant's character, attitudes toward authority, adaptability to society, level of maturity, respect for law and

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the like, all of which happened within the walls of federal prisons and all of which can be officially documented only through official records of those prisons, records which now remain in the custody of prison officials.

3. We have managed to obtain certain evaluative records, from both Lewisburg and Atlanta, and these are attached hereto.

4. We have also attached a New York Times article of June 3, 1976, in order to contrast Mr. Estremera's attitude and behavior while at Lewisburg with what was generally going on at Lewisburg at the same time.

5. We also urge the Court to find that Mr. Estremera has already successfully completed all the vocational training which had been prescribed for him, that he has already demonstrated the proper attitude and the fact that he has been adequately rehabilitated, and that his continued incarceration would be solely for punitive reasons.

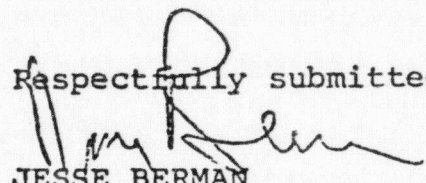
6. Because of the length of the sentence imposed and the fact that, under the present sentence, Mr. Estremera cannot even see the parole board for another four (4) years, we urge this Court to hold a new sentence hearing after receipt from the Bureau of Prisons of the evaluative reports which we urge the Court to order.

7. We also note that either the possible dismissal of the case against the co-defendant Cumberbatch or, on the other hand, the possible trial of Mr. Cumberbatch, may shed light on the merits of this motion.

WHEREFORE, it is respectfully requested that this Court reduce the defendant Estremera's sentence and that it grant the other relief sought by this motion.

Dated: New York, New York
September 15, 1976

Respectfully submitted,



JESSE BERMAN
351 Broadway
New York, New York 10013
[212] 431-4600

Attorney for Defendant Estremera

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Date May 17, 1976

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

USP, Lewisburg, Pa.
INSTITUTION

mate Reviewed and/or Received Copy

SIGNATURE AND DATE

PROGRESS REPORT

PH Interim Annual Other Transfer
Name: ESTREMER, Raul Reg. No.: 82570-158
Offense: Bank Robbery with Assault Age: 28
Sentence: 17 years RA Began: 6/24/75 Months Served: 16
Days EGT: -0- Days FGT: -0- Tentative Release: 6/5/86
Last Board Action and Date: None - Eligible for parole 9/5/80
Detainers: None
Codefendants: Victor Cumberbath-Disp. Unknown; Pedro M. Monges-01677-158-18 yrs.-USP, Lewisburg; Oscar Lee Washington-77770-158-18 yrs-USP, Lewisburg.

NEW INFORMATION

No new information.

INSTITUTIONAL ADJUSTMENT

Mr. Estremera was originally committed to USP, Atlanta in August, 1975 and adjusted favorably to that institution before his transfer to Lewisburg in October, 1975 as an institutional classification transfer.

Mr. Estremera was classified at Lewisburg on November 3, 1975 to close custody, dormitory housing and a job assignment in Mechanical Services. Vocational training and participation in the GED program were recommended program goals for Mr. Estremera.

He has adjusted favorably to Lewisburg and has presented no adjustment problems. He has maintained a clear conduct record. Mr. Estremera has completed the vocational sign painting and engraving course through the Mechanical Services paint shop and has received a certificate for favorable completion of the program involving 840 hours of on the job training in painting.

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UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

Page 2

PROGRESS REPORT

Committed Name ESTREMER, Raul

Reg. No. 82570-158

Date May 17, 1976

Mr. Estremera has related favorably to his quarters assignment and reports from his quarters officer in the H semi-honor dormitory reflect that he is one who responds to institution routines and regulations without resentment to authority. He is rated as to his care of housing and person as good.

Reports from Mr. Estremera's job supervisor reflect that he is a ^{willing} worker who performs assigned duties in a conscientious manner. He has consistently been polite and cooperative in his dealings with staff members and has presented no adjustment problems.

He reportedly spends his leisure time involved in institutionally sponsored recreation activities and states that he enjoys reading.

Mr. Estremera denies any problems with drugs or alcohol. He does not appear to be one who is firmly oriented to a criminal value system and Mr. Estremera verbalizes interest in correctional program goals.

RELEASE PLANNING

Mr. Estremera was transferred to Lewisburg in order to be nearer his release residence in New York City, N. Y., however, during his confinement at Lewisburg he reports that his family has relocated to the San Jose, Calif. area. He proposes that upon release he will establish himself in San Jose, Calif. and will have the assistance of family and friends in helping him to reestablish himself in that community. He proposes the following release plan.

- | | |
|---------------|---|
| A. Residence: | With mother and father at 325 Checkers Drive,
Apt. #202, San Jose, Calif. |
| B. Employer: | Pending. |
| C. USPO: | Harry W. Schloetter, Chief, San Francisco, Calif.
John T. Connolly, Chief, New York (LR) |

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Completed by: J. R. James, Case Manager

Parole Form 7-52 Rev.
Stock No. 11-8-1-52
5000 8/72

INSTITUTIONAL MEMORANDUM
U.S.P. ATLANTA, GA.

DATE: October 2, 1975


TO: ~~Advisory Assistant, Classification & Parole~~

20:
RE: ESTREMER, Raul - Reg. No. 82570-158

In accordance with Classification Committee recommendations, I hereby authorize the following meritorious award pursuant to the provisions of Policy Statement A-7600.2 CH 1.

3 Days and \$ 10.00 per month effective 10-01-75 (Hospital)
(date)

cc: Associate Warden (C)
Industrial Payroll
Detail Supervisor
Inmate


Associate Warden (R)
Chief, C & P

Recorded - 807

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UNITED STATES PENITENTIARY
ATLANTA, GEORGIA

DATE: 9-25-75

TO: Estemera, Paul

FROM: Case Management Coordinator

You have appeared before the Classification Team on this date and your program plans are as follows:

Medium Custody VT (of choice)

GED

Form 2-91

Stock No. 15-S-2-102 (Feb 75)

I recommend this man for the U.S. Penitentiary at

A-21

15, October 1975

Dental Clinic
Atlanta Penitentiary
Atlanta, Georgia
30315

Dear Sirs,

This is a letter of recommendation for Mr. Raul Estremeta, inmate number 82570-158, who has been working under my supervision as a dental assistant since August 6, 1975.

His duties have included sterilization of instruments, preparing amalgam, development of dental x-rays, and general maintenance of the clinical treatment areas.

From what I have observed this man is a hard worker. He shows an interest in the science of dentistry and I believe he has potential ability to become a competent laboratory technician.

I therefore would highly recommend this man for acceptance into the dental laboratory technician course at the U.S. Penitentiary at Lewisburg, Pa.

Sincerely,

Dennis W. Jeffers
Dennis W. Jeffers D.E.S.

S.J. Winter
S.J. Winter
CHIEF DENTAL OFFICER

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RECOMMENDATION FOR

NE Form No. 3
(Rev. 5-18-56)

Meritorious Good Time Effective 4/1/76 Meritorious Pay XXX Both Effective 4/1/76 Effective 4/1/76
Committed Name RAUL ESTREMER Reg. No. 82570 -NE Date 3/31/76
Detail SIGN MAKING AND ENGRAVING Job Title SIGN PAINTER AND ENGRAVER
Date Received at NEP OCT. 375 Date Assigned OCT. '75 Time Under My Supervision: 6 MONS.
Sentence 17 YEARS (ADULT) Parole Eligibility Date: 1979 C.R. Date: NONE
Sentence begins JAN. 28, 1974 Date Of Last Disciplinary Report: NONE

BASIC ELIGIBILITY REQUIREMENTS AT LEAST 3 MOS. SERVED AND CLEAR CONDUCT RECORD FOR SENTENCE OF 2 YEARS OR LESS. 6 MOS. SERVED AND CLEAR CONDUCT RECORD FOR SENTENCE OVER 2 YRS.

Specific duties SIGN PAINTING AND ENGRAVING.
Machines and tools he uses ALL TOOLS RELATED TO TRADE
Particular skills SIGN PAINTING, SILK SCREENING, ENGRAVING.
Evidence of outstanding performance: SPEED, ACCURACY, WORKMANSHIP, DEPENDABILITY
Evidence of initiative, how he does more than normally required EQUIPMENT CARE AND DEPENDABILITY.
How he effects savings in time, effort, and expenditures, if any DOES NOT WANDER FROM JOB.

Conduct on the job GOOD
How is he more dependable and trustworthy than others EXPERIENCED AND KNOWLEDGEABLE, DOES JOB WITH LITTLE SUPERVISION, RETURNS ALL UNUSED MATERIALS, ETC.

Attitude toward personnel GOOD
What have you heard or witnessed that impresses you that this man's present achievements are part of a sincere desire to improve himself so he can face the future with more confidence and assurance that he can make a normal adjustment?

INMATE ESTREMER IS AN EXCELLENT WORKER, HAS A GREAT DEAL OF SKILL AND TALENT AND DESPLAYS EVIDENCE OF INTEREST AND EXPERIENCE IN HIS WORK. ACCORDINGLY, I AM REQUESTING THAT THIS INMATE RECEIVE BOTH MERITORIOUS PAY AND MERITORIOUS GOOD TIME.

Use of school facilities: YES NO Use of library: YES
Vocational Training: ON THE JOB TRAINING YES
Participation in inmate group activities: YES
Participation in recreation program: YES
Religious participation: YES
Other activities: YES

ROUTING: (1) Quarters Officer
(2) Caseworker
(3) AW (O)
(4) AW (P)
(5) Chief, C & P
(6) Class. Sec'y

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IF RECOMMENDED FOR PAY, THE FOLLOWING MUST BE COMPLETED

Amount per month recommended \$10.00... Release date with all possible good time: 1979
Inmate wishes funds for: Post-release... Support of detenance... Commissary: XXXX
Present commissary balance \$4.00... Total spent last three months \$60.00

(Signature of Recommending Supervisor)

(Signature of Department Head)

REPORT OF EVENING QUARTERS OFFICER

Length of time observed... Conduct in unit...

Type of associates:

Response to supervision

Sanitation: Quarters... Personal

Comments:

(Signature of Evening Watch Officer)

(Signature of Morning Watch Officer)

(Signature of Day Watch Officer)

Do other Watch Officers agree with this report? Difference should be noted under comments.

Parole officer's Comment:

Date:

Parole Officer

Committee Action:

Date

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COMPLETED FORM TO BE SENT TO SUPERVISOR, CLASSIFICATION-PAROLE.

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UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLVS, EDUCATION DEPT.

DATE: APRIL 1, 1976


FROM : MR. H. E. ROYER, INSIDE PAINT SHOP FOREMAN

SUBJECT: VOCATIONAL TRAINING CERTIFICATE

INMATE RAUL ESTREMER 82570, HAS WORKED UNDER MY SUPERVISION FOR A PERIOD OF SIX (6) MONTHS. AND IN THIS TIME HE HAS COMPLETED THE FOLLOWING:

**** SIGN PAINTING AND ENGRAVING.**

HE HAS A TOTAL OF 840 HOURS OF ON THE JOB TRAINING. AND IS A VERY EXCELLENT WORKER. HIS ATTITUDE TOWARDS WORK IS VERY GOOD, AND HE GETS ALONG WELL WITH OTHER INMATES AND AS WELL WITH STAFF MEMBERS. FOR THESE REASONS I AM REQUESTING THAT THIS INMATE BE GIVEN A CERTIFICATE OF VOCATIONAL TRAINING FOR SIGN PAINTING AND ENGRAVING AND RELATED WORK IN THIS FIELD.


MR. H. E. ROYER
INSIDE PAINT FOREMAN
H/S



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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : MR. JAMES (CASEWORKER)

DATE: AUGUST 17, 1976

FROM : MR. H. E. ROYER, FOREMAN, INSIDE PAINT M/S

SUBJECT: RECOMMENDATION FOR INMATE RAUL ESTREMERAS

THIS IS A LETTER OF RECOMMENDATION FOR INMATE RAUL ESTREMERAS.

PERTINENT TO HIS ASSIGNMENT AT THE SIGN SHOP HERE AT LEWISBURG FOR THE PAST TEN AND ONE HALF (10½) MONTHS, HIS WORK HABITS HAVE BEEN EXCELLENT. HE SHOWS UP FOR WORK ON TIME AND IS DILIGENT IN HIS WORK CAPACITY.

THOUGH THE FIELD OF SIGN PAINTING ALONE CALLS FOR ARTICULATION ALONG THE ART FIELD, HE IS ALSO EXPERIENCED WITH THE INDUSTRIAL SPRAY GUN USED FOR INTERIOR AND EXTERIOR, CAR AND FURNITURE PAINTING.


HIS DUTIES DURING THE PAST 10½ MONTHS HAVE ALSO INCLUDED SILK SCREENING, WOOD STAINING AND FINISHING, TROPHY PLAQUE CONSTRUCTION AND ENGRAVING, AND ENGRAVING OF NAMES TAGS, ETC.; AT WHICH HE IS EXPERIENCED.

HIS CONDUCT ON THE JOB IS ABOVE AVERAGE. HIS ATTITUDE TOWARDS STAFF AND OTHER INMATES HAS BEEN VERY GOOD, AND HE SHOWS NO RESENTMENT TOWARD AUTHORITY.

THOUGH HIS DUTIES CALL FOR WORKING AROUND HIGHLY FLAMMABLE FLUIDS AND CLOSE SURVEILLANCE TOOLS, AND, DUE TO PROPER HANDLING HE HAS NEVER CAUSED AN INCIDENT OR ACCIDENT. (THE PROPER HANDLING OF THESE TOOLS ALONE SAVES COSTS.)

IN TOTAL, I HAVE BEEN VERY PLEASED AND MORE THEN SATISFIED WITH INMATE ESTREMERAS' WORK; HIGHLY ENOUGH TO RECOMMEND HIM FOR ANY RELATED EMPLOYMENT IN THESE FIELDS.

SINCERELY,


MR. H. E. ROYER
FOREMAN.



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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Certificate of Achievement

Lewisburg, Pennsylvania

This Certifies That RAUL ESTREMER

has satisfactorily completed the course in

SIGN PAINTING AND ENGRAVING

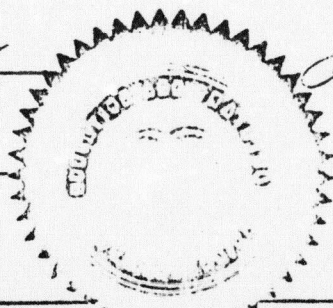
and is hereby awarded this certificate on this 1st day of April 19 76

Hoover E Royer
INSTRUCTOR

Walter L Arnold
SUPERVISOR

DEPARTMENT: Paint Shop

CERTIFICATE NUMBER: 82570



Killing Is Common in Lewisburg Federal Prison, Freed Inmate Says

PHILADELPHIA, June 2 (AP) — Francis Marziani, a former inmate at Lewisburg Federal prison, who said he feared for his life because of evidence on inmate violence, he gave to guards, was set free yesterday.

United States District Judge Clarence Newcomer reduced Mr. Marziani's five-year sentence for attempted arson to time already served, about 15 months.

Mr. Marziani had petitioned the court to reduce his sentence so he could be transferred to another Federal prison. He had been transferred temporarily to Berks County Prison.

Mr. Marziani's complaints about inmate violence will be investigated by the Federal Board of Prisons, sparked by the stabbing deaths of four inmates in the last five months.

"The going price for murder [is] two cartons of cigarettes," said Mr. Marziani in a sworn statement in Federal District Court here. Federal Judge Joseph Lord 3rd said he had sent Mr. Marziani's complaint to Attorney General Edward H. Levi and is awaiting his reply.

A spokesman for the Board of Prisons said today there had been no pattern to the killings at Lewisburg. "White inmates, blacks, young, old... all strata of the prison have been involved," he added.

In his statement, Mr. Marziani said that the inmates at Lewisburg "with their own set of rules" broke those rules by talking with prison guards, and "if I ever go back, I'm dead," he said.

Nothing To Lose

"The cannibals should not be allowed to rape, maim and murder in prison, where they have nothing to lose anyway," said Mr. Marziani. He had been gang raped and repeatedly beaten, he added.

"I'm not exaggerating when I say that if they ever had a total shake-down at Lewisburg,

they'd find enough cash money to start a bank in any major city and enough drugs to keep every junkie in Philadelphia happy for year," Mr. Marziani said in his statement.

Lewisburg is a gray stone structure on the banks of the Susquehanna River in central Pennsylvania, is one of six maximum security prisons in the Federal system.

In Washington, a Board of Prisons spokesman said that there had been seven killings in the last two years. All have been stabbings of inmates by inmates.

In his statement, Mr. Marziani said that his 15 months in

prison had "taught him one thing—that the death penalty should be brought back. He continued:

"I'm going to be executed soon, but it won't be by the gas chamber or electric chair.

No, I'll be executed with a shank after I'm returned to Lewisburg. In case you're not familiar with a shank, it's a two-foot long piece of sheet metal, sheared off in one of the machines in the prison shop.

"When they finally get me, I probably won't die all that quickly, if I can judge from the few murders I've seen myself since I arrived at Lewisburg.

"It'll probably take 5 or 13

minutes with that thing shoved through me. If there's anyone around when I get it, they'll stare for a few seconds and then turn away and go about their own business.

Says He Broke Rules

"No big deal. With a population of 1,800, we get about 25 murders a year. With the going price for murder at two cartons of cigarettes, I guess that isn't bad.

"When I'm finally executed it will be for a reason. I broke the rules. No, not the rules laid out by your court. That's the bitter irony of it.

"Exactly because I obeyed your rules, I broke an even

more important set of laws. The laws made by the inmates here and imposed on everyone who walks into Lewisburg.

"They're more important than yours, because if you break them, you're killed as soon as there is a chance. And there's no way to appeal.

"It just doesn't make sense to me. It's easy for some people to say it's only criminals killing criminals. But if you look at the records and see the crimes of the murdered inmates have been convicted of, you have to say that death, especially the kind of death I'm talking about, is the extreme of cruel and unusual punishment."

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF New York) ss.:

NANCY SAINVILLE, being duly sworn, deposes
and says: deponent is not a party to the action, is over
18 years of age and resides at 16 Leonard St., NY NY 10013
on December 14, 1976, served the within

upon *appellants Appends x*
Robert B. Eske, Jr. attorney(s)
for *appellees* in this action, at

1 St. Andrew's Plaza, NY NY 10001
the address designated by said attorney(s) for that purpose
by depositing a true copy of same enclosed in a post-paid
properly addressed wrapper, in - post office- official
depository under the exclusive care and custody of the
United States Postal Service within the State of New York.

Nancy Sainville

Sworn to before me on
December 14, 1976.

John Beun

Notary Public, State of New York
No. 31339718
Qualified in New York County
Commission Expires March 30, 1978

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